

**REMARKS**

Claims 1-49 remain pending in the application, with claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 being the independent claims. Independent claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 and dependent claims 6 and 7 are sought to be amended. Entry and consideration of this Amendment is respectfully requested. No new matter is believed to have been introduced by this Amendment.

Applicant has made the above Amendment to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

***Rejections under 35 U.S.C. §§ 102(e) and 103(a)***

Claims 1-6, 11, and 13-49 are rejected under 35 U.S.C. § 102(e) as being allegedly unpatentable over U.S. Patent No. 6,934,964 (hereinafter referred to as "Schaffer"). Claims 7-10 and 12 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schaffer in view of U.S. Patent No. 6,614,987 (hereinafter referred to as "Ismail"). Applicant respectfully traverses these rejections for at least the following reason.

Independent claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 have been amended to include a similar feature(s) of: determining a plurality of ratings vectors based on the consumer preferences; deriving a plurality of predictive vectors based on the ratings vectors by evaluating a reference magnitude; and determining whether the reference magnitude is

relevant by comparing the reference magnitude to a total number of products downloaded by the consumer. Support for the Amendment can be found in original claims 6 and 7 and in the specification at least on page 17, paragraph 0044. Schaffer and Ismail, either taken alone or in combination, do not teach or suggest this feature. For at least this reason, independent claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 and their respective dependent claims are distinguishable from Schaffer and Ismail, either taken alone or in combination. Accordingly, Applicants respectfully request that the rejections to these claims under 35 U.S.C. §§ 102(e) and 103(a) be reconsidered and withdrawn.

**INVITATION FOR A TELEPHONE INTERVIEW**

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-0931 if there remains any issue with allowance of the case.

**CONCLUSION**

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections, and allowance of this application.

Respectfully submitted,

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